



## New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:  10-27-2014
Volume:	VII	Education and Educational Stability	
Chapter:	A	Education and Educational Stability	
Subchapter:	1	Education and Educational Stability	
Issuance:	100	<b>Educational Services</b>	

### Educational Services

**10-27-2014**

“The Division representative [assigned Worker] shall make every reasonable effort to assure that every child in out-of-home placement receives an education appropriate to his or her abilities as provided for under State laws governing compulsory education and education for disabled children. (N.J.A.C. 10:122D-2.6(a))”

January 2013, the Family Education Rights and Privacy Act (FERPA) under the Uninterrupted Scholars Act (USA), was amended to allow schools to release the education records of children in foster care to child welfare agencies, without parental consent. This amendment also eliminates the requirement for educational agencies to notify parents prior to the release of education records to a child welfare agency.

Education Record Required -- Develop an education record, using the CP&P Form [5-16](#), Child's Education Record, for each child initially entering resource family home placement or re-placement, who is subject to the State laws governing compulsory education. See N.J.S.A. 18A. This record includes, but is not limited to:

- The names and addresses of the child's educational providers;
- The child's grade level performance;
- Information indicating whether the child is classified and has been determined eligible for special education;
- Information indicating whether the child currently has a 504 service plan. Section 504 of the Federal Rehabilitation Act requires that no individual with a disability shall, on the basis of the disability, be subjected to discrimination. Therefore, some children with disabilities have a 504 service plan outlining special accommodations so they can succeed in learning. These children may or may not be eligible for special education or have an Individualized Education Program; and/or

- Documentation that the placement of the child in resource family care takes into account the appropriateness of the child's current educational setting and proximity to the school in which the child is enrolled at the time of placement. CP&P coordinates with local educational agencies to ensure that the child remains in the school in which he or she is enrolled at the time of placement, or, if remaining in the home school is not in the child's best interests, provides immediate and appropriate enrollment in a new school. See Educational Stability, below, for determining best interests of the child in these matters, and for direction on how to document the CP&P decision-making process.
- "The Division representative [assigned Worker] shall provide the out-of-home placement provider with the child's education record at the time of initial placement." (N.J.A.C. 10:122D-2.6(c))

"The Division representative [Worker] shall review and update the child's education record at the time of each out-of-home placement and shall provide the updated record to the out-of-home placement provider." (N.J.A.C. 10:122D-2.6(d)) The form is also updated for periodic placement reviews and placement conferences."

The resource parent shall:

- "Register each school-age child in placement in school (N.J.A.C. 10:122C-6.3(a)1)", upon a determination by CP&P that the child cannot continue in his or her home school, based on the child's best interests.
- When registering the child for school, the resource parent provides his or her home/cellular telephone number, should the school need to contact the child's caregiver for any reason.
- "Make every effort to ensure that the child attends school regularly; (N.J.A.C. 10:122D-2.6(e)1)
- Encourage good study habits, be involved with the academic progress of each child in placement, attend school conferences and meet with school personnel when there are problems or periodic reviews; (N.J.A.C. 10:122C-6.3(b))
- Monitor the child's academic progress; (N.J.A.C. 10:122D-2.6(e)3)
- Inform the Division representative [Worker] about the child's academic progress. (N.J.A.C. 10:122D-2.6(e)4)"
- Notify the school principle or his or her designee whenever the child will be absent from school, as per "Tabitha's Law," N.J.S.A. § 18A:36-25.4 et seq.

The resource parent also may participate with the Division, upon request, in the development of the child's education plan.

Point of contact -- It is of the utmost importance that every school have an accurate phone number to contact resource parents directly to notify them of their child's illness, injury, or other emergency at school; the child's noteworthy achievements or successes at school; unscheduled absences from school or early dismissals; behavior difficulties; or any other pertinent information that needs to be promptly shared. Under no circumstances should any school have the CP&P Local Office number as the main point of contact regarding daily school matters.

See [CP&P-IV-B-6-300](#), Resource Parent Responsibilities, Education. See [CP&P-III-C-9-100](#) for a discussion of the resource parent's authority to consent in educational issues.

The assigned Worker shall:

- “Ensure that the child is enrolled in school, if age appropriate. If necessary, upon a determination by CP&P that the child cannot continue in his or her home school, based on the child's best interests, the Division representative [assigned Worker] shall give the out-of-home placement provider authorization to enroll the child in school. (N.J.A.C. 10:122D-2.6(f)1) All children in out-of-home placement must be registered for and attending school within 72 hours of initial placement and re-placement. See [CP&P-IV-B-6-300](#);
- Maintain and update the education record regarding the child's progress in school, utilizing the Child's Education Record, CP&P Form [5-16](#);
- Coordinate, as appropriate, activities among the school personnel, the out-of-home placement provider, and the [birth] parent;
- Inform the [birth] parent of the child's school progress and of the parent's right and responsibility to be involved in the child's education;
- Refer the child for a child study team evaluation, as needed, in accordance with N.J.A.C. 6A:14-3.3(a)3ii. (N.J.A.C. 10:122D-2.6(f))”;
- If available, provide the resource parent with a copy of the child's Individualized Education Program (IEP), a copy of any pertinent information from the Child Study Team evaluation, if the child is classified, and a copy of the 504 Service Plan, if one has been developed by the child's school. Any information concerning the child's birth parents and family of origin that may be contained in a report is kept confidential and is not shared with the resource parent;

- Provide the resource parent with a copy of the Department of Education Parental Rights in a Special Education booklet, if the child is classified. The booklets are available from the school district's Special Services Department or the NJ Department of Education website;
- Advise the resource parent of the availability of the free lunch program; and
- Arrange for the appropriate consents for school related activities. See [CP&P-III-C-9-100](#).

## **Educational Stability**

**2-14-2011**

Continuity and Stability of Education Placement -- In accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Federal legislation), and pursuant to N.J.S.A. 30:4C-26b, enacted September 9, 2010, when placing a child in resource family care, including placement with a relative or kin, the Worker coordinates efforts to enable the child to continue in his or her current educational setting (the "pre-placement school" in the parent's school district).

CP&P works with local school districts to assure that the child remains in the school in which he or she is enrolled at the time of placement, or, if remaining in the pre-placement school is not in the child's best interest, provides immediate and appropriate enrollment in a new school (i.e., a school in the resource home school district). The Worker assures that all of the child's educational records, including the district of residence confirmation, are provided to his or her new school.

First Placement, Best Placement, with Relatives, Siblings -- When placing a child out-of-home, CP&P strives to meet the standard of "first placement/best placement," while attempting to place the child in close proximity to his or her home community, in support of educational continuity and stability. Another priority is placing a child with a relative, preferably with his or her siblings. In so doing, however, CP&P may not be able to place the child in close proximity to the pre-placement school. The Worker and Supervisor weigh priorities, and make a case-by-case decision regarding where to place the child, based on the best interest of the child.

Best Interest of the Child -- When determining whether a child can continue to attend his or her pre-placement school, CP&P must assess the "best interest" of the child. When making the best interest determination, the assigned Worker makes diligent efforts to consult the parent, Law Guardian, child, and all relevant school personnel.

The Worker and Supervisor conference the case to make the determination, based on the best interest factors listed below. The Supervisor documents that the conference took place, and the "best interest" determination made, in a Contact Activity Note in the electronic case record.

Best interest factors include (but are not limited to) the following:

- Safety considerations;
- Child's permanency goal and likelihood of reunification;
- Needs of the child including social adjustment and well-being;
- Child's special education programming;
- Child's performance, continuity of education and engagement in present school;
- The distance of the resource family home to the child's present school;
- Age and grade level of the child as it relates to other factors;
- Child's preference;
- The point of time in the school year;
- Anticipated duration of current placement.

CP&P notifies the parent, Law Guardian, and appropriate school district personnel of the education stability decision via the following forms:

Use CP&P Form [5-71](#), Educational Stability Parent Notification, to inform the parent and Law Guardian of the child's school placement and the basis for the school placement decision.

- Use CP&P Form [5-72](#), Educational Stability School District Notification, to inform the school Principal, as well as key staff from all relevant school districts, of the child's educational placement.
- Use CP&P Form [5-73](#), Educational Stability Parent Notification - Exception, when a child placed in resource family care is immediately enrolled in the resource home school district as an exception. An exception is only made when it is in the child's best interest and there presents a safety concern or an immediate and significant detriment exists.
- Use CP&P Form [5-75](#), Agreement of Parent/Legal Guardian and Law Guardian to Change in School Placement, when applicable, to document that the parent/legal guardian and the Law Guardian agree with the best interest determination to change the child's school placement from the pre-placement school district to the resource home school district.

If the parent, or the child's Law Guardian, disagrees with the decision to place the child in the resource home school district and files application with the Family Court within five (5) business days, the child will continue to attend the pre-placement school until the court reviews the matter.

CP&P provides or arranges for transportation from the resource family home to school, pending the court review outcome. If the court determines that the child is to attend the pre-placement school, the parent's school district (the district of residence) is responsible for transportation, and has five (5) school days from the date of notice from CP&P, as per CP&P Form [5-73](#), Educational Stability Parent Notification - Exception, to arrange transportation for the child from the resource family home to school.

CP&P will immediately notify all affected school districts utilizing CP&P Form [5-72](#), Educational Stability School District Notification, once the Family Court renders its decision.

The assigned Worker notifies the school of the court's decision the day CP&P receives notification, whenever possible, by telephone (follow up with written notification), e-mail, facsimile (fax) machine, or in-person. The district of residence (the pre-placement school district) is responsible for arranging and funding the child's transportation, beginning on the sixth (6th) school day after CP&P notifies the school district of the school placement decision rendered by the court.

Note: When determining what may be in the best interest, educationally, for a three or four year old child, consider whether the child attends a pre-school program in what was formally known as an "Abbott District," the services and benefits provided therefrom, as well as whether the child is currently in a pre-school handicap program.

## **Classification Process for Disabled Children**

**5-9-2011**

Based on P.L. 94-142, the Department of Education (DOE) is responsible for ensuring that all disabled children receive a free and appropriate education, and that all disabled children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of that education.

When a child in resource family care is identified as possibly needing special education due to a disabling condition, the child is referred to the local Child Study Team for classification. The child may be referred to the Child Study Team by the local school. CP&P may request that the referral be made.

When the Child Study Team cannot or will not evaluate a child for classification purposes, CP&P reassesses the appropriateness of the referral. If classification is still determined appropriate, CP&P attempts to resolve any conflicts that may exist with the Child Study Team. When no alternatives exist, classification is done by a private practitioner, with payment authorized by CP&P. See [CP&P-IV-E-2-100](#).

For specific classifications used by DOE, see [CP&P-VII-A-1-200](#).

## **Administrative Reviews, Mediation Conferences and Hearings in Educational Matters**

**4-3-90**

Based on P.L. 94-142, the Department of Education has implemented administrative rules for administrative reviews, mediation conferences and hearings. The child's parent, or foster parent when the parent is unavailable, may request an administrative review, mediation conference or hearing of the action or inaction of the school on behalf of the child with regard to any of the following educational matters:

- evaluation;
- classification;
- individualized educational program; or
- plans for school placement.

Whenever CP&P believes a challenge is appropriate, the child's parent or foster parent is advised of his right to request a review, a mediation conference or a hearing. See [CP&P-VII-A-1-200](#) for guidelines regarding the review, mediation and hearing processes.

## **Free School Meals**

**4-4-2011**

All children in resource care, placed by the Division or the courts, are eligible to receive free meals in school as per the Federal Healthy Hunger-Free Kids Act of 2110, Public Law 111-296, provided that the public or private school participates in the free and reduced-price meal program. The Federal Healthy Hunger-Free Kids Act will take effect in New Jersey in September 2011.

The expansion of categorical eligibility to foster children helps reduce the burden on resource care families by certifying foster children for free meals in the National School Lunch and other Child Nutrition Programs without the need for an application. This law also allows resource family parents to include the foster child as a household member if they apply for free or reduced priced meals for their own family.

The Worker advises the resource family parent of the Federal Healthy Hunger-Free Kids Act. The resource family parent presents the CP&P Form [5-49](#), Resource Family Parent Identification Letter, to the school as proof the child in his or her care is eligible for free school meals. This form is used by the school district to facilitate certification for a foster child to receive free meals.

In order to participate, the resource family parent must present a current CP&P Form [5-49](#), Resource Family Parent Identification Letter, to the foster child's attending school at the beginning of each school year to provide documentation that the child is categorically eligible for the school's free meal program, provided that the public or private school participates in the free and reduced-price meal program.

## **School Transportation**

**4-5-2010**

When the child requires transportation to and from school, CP&P requires that resources available through the school system be utilized. The resource family parent may transport the child; however, CP&P reimbursement for transportation costs is only available when

- The Board of Education does not provide the required transportation; and
- The distance, the child's handicap, or other condition warrants a transportation expenditure, as determined and approved by the Local Office Manager.

See [CP&P-IV-B-6-300](#) regarding transportation for special needs.

The Worker submits a Special Approval Request, CP&P Form [16-76](#), through the Supervisor to the Local Office Manager specifying the need for school transportation reimbursement and the amount required. Reimbursement cannot exceed regular transportation reimbursement rates and is for the actual distance to and from school.

In complex situations - Example: efforts are being organized to enable a child to continue to attend the school he or she was enrolled in prior to placement, located in another municipality - the Worker or a CP&P Aide may transport the child to and from school initially, until more appropriate, on-going arrangements can be made.

## **Private or Parochial School**

**2-9-2004**

The Local Office Manager may give approval for a foster child to attend a private or parochial school only when all of the following conditions are met:

- the child's parents and the child, when appropriate, agree to private or parochial schooling;
- the school meets the standards of the Department of Education;
- attendance at the private/parochial school is consistent with the case plan for the child, which is designed to address the child's needs;
- the schooling is consistent with the child's religion, if a parochial school is being considered; and
- no cost to CP&P will be incurred.

See [CP&P-IV-B-6-300](#) for the resource parent's responsibilities and this policy regarding educational services.



The approval is based upon a Special Approval Request, CP&P Form [16-76](#), which is completed by the Worker and which includes documentation that the required conditions for approval are met.

## Higher Education

**4-18-2005**

RESPONSIBILITY	ACTION REQUIRED
Worker and Supervisor:	Assist the foster child in exploring all resources when the child wishes to attend college or vocational/technical school beyond high school.
Adolescent/Child:	Apply for appropriate scholarships and other forms of financial aid when financial assistance is required for higher education.

See [CP&P-VII-A-1-300](#), CP&P and Other Scholarship Programs.

## Home Teaching (Schooling) Not Permitted

**4-5-2010**

Home teaching (schooling) is not permitted for a child in a CP&P resource family care placement.

“Home schooling in lieu of school attendance for a child in placement shall be prohibited.” N.J.A.C. 10:122C-6.3(a)3

## Procedures Related to Educational Services

**2-4-2013**

RESPONSIBILITY	ACTION REQUIRED
Worker	<ol style="list-style-type: none"> <li>1. Advise the school that a child is being placed in a foster home in the district.</li> <li>2. “develop an educational record for each child initially entering out-of-home placement . . . (N.J.A.C. 10:122D-2.6(b)) using the Child's Education Record, CP&amp;P Form <a href="#">5-16</a>.</li> <li>3. provide the out-of-home placement provider with</li> </ol>

	the child's education record at the time of initial placement. (N.J.A.C. 10:122D-2.6(c))”
Worker/Supervisor	4. Complete and submit Special Approval Request, CP&P Form <a href="#">16-76</a> , to LO Manager to permit child to attend private or parochial school, when applicable. See <a href="#">CP&amp;P-VII-A-1-100</a> .
Worker	5. Arrange for or coordinate the transfer of school records.  6. Advise the foster parent of the availability of the free lunch program.
Foster Parent	7. “Ensure that the foster child is enrolled in school, if age appropriate. . . . N.J.A.C. 10:122D-2.6(f)”
Worker	8. When registering the child for school, provide his or her home/cellular telephone number as the point of contact, should the school need to contact the child's caregiver for any reason.  9. Obtain from the school and provide to the foster parent, for children who are classified, a copy of the child's Individual Educational Plan (IEP), and pertinent information from the Child Study Team evaluation while maintaining the

	<p>confidentiality of birth parent information.</p> <p>10. Provide to the foster parent a copy of the Department of Education Parental Rights in Special Education booklet, available from the school's Special Services Department, if the child is classified eligible for special education and related services.</p>
Foster Parent	<p>11. "Make every effort to ensure that the foster child attends school regularly; Encourage good study habits. . . N.J.A.C. 10:122D-2.6(e)"</p> <p>12. Notify the school principal or his or her designee whenever the child will be absent from school.</p>
Worker/Supervisor	<p>13. Complete Special Approval Request, CP&amp;P Form <a href="#">16-76</a>, when the foster parent must provide transportation to school and reimbursement is necessary.</p>
Foster Parent	<p>14. Submit a CP&amp;P Form <a href="#">K-100</a> for transportation reimbursement, when appropriate.</p> <p>15. Sign permission slips, report cards, and consent to appropriate school activities.</p> <p>16. "Monitor the child's</p>

	<p>academic progress; and</p> <p>17. Inform the Division representative of the child's academic progress." N.J.A.C. 10:122D-2.6(e)3 and 4"</p>
Worker	<p>18. Maintain information regarding the child's educational history and progress in school on the Child's Education Record, CP&amp;P Form <a href="#">5-16</a>.</p> <p>19. "Inform the (birth) parent of the child's school progress and of the parent's right and responsibility to be involved in the child's education. N.J.A.C. 10:122D-2.6(f)4</p> <p>20. Coordinate, as appropriate, activities among the school personnel, the out-of-home placement provider, and the parent. N.J.A.C. 10:122D-2.6(f)3"</p> <p>21. Obtain birth parental consent for school activities which would interfere with visits between the child and the parent; give consent, when appropriate, to all other overnight school activities.</p> <p>22. "Refer the child for a child study team evaluation, as needed . . . N.J.A.C. 10:122D-2.6(f)5"</p>

Parent or Foster Parent	<p>23. Request that the school conduct an administrative review, mediation conference, or hearing, when appropriate. See <a href="#">CP&amp;P-VII-A-1-200</a>, Education of Students With Disabilities.</p>
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